

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

CIVIL ACTION NO.: 05-11693RCL

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T. GIAMPA,
ADVANCED SPINE CENTERS, INC. d/b/a FIRST
SPINE REHAB, FUTURE MANAGEMENT
CORPORATION, EDWARD KENNEDY, BRIAN J.
CULLINEY and JENNIFER McCONNELL

Defendants.

JOINT MOTION FOR A HEARING ON THE PENDING MOTIONS TO DISMISS

Now come the parties, and respectfully request this Honorable Court to schedule a hearing for oral arguments on the defendants' pending motions to dismiss the complaint. In support of their motion, the parties state that they believe oral arguments will assist the Court in ruling upon the pending motions.

Respectfully Submitted
Encompass Insurance Company
By their Attorneys,

Respectfully Submitted
*Joseph D. Giampa, Frederick T. Giampa,
Advanced Spine Centers, Inc. d/b/a First Spine,
and Future Management Corporation*
By their Attorneys,

/s/ Richard D. King, Jr. (dt)
Richard D. King, Jr., BBO# 638142
Nathan A. Tilden, BBO# 647076
Smith & Brink, P.C.
122 Quincy Shore Drive
Quincy, MA 02171
(617) 770-2214

/s/Mathew J. Conroy (dt)
Mathew J. Conroy, BBO# 566928
Kathleen L. Kurtz, BBO# 658026
Belesi & Conroy
114 Waltham
Lexington, MA 02421
(781) 862-8060

Respectfully Submitted
Brian Culliney and Jennifer McConnell
By their Attorneys,

Respectfully Submitted
Edward Kennedy
By his Attorneys,

/s/ Thomas M. Ciampa (dt)
Thomas M. Ciampa, BBO# 566898
45 Bromfield Street
Boston, MA 02108
(617) 742-5955

/s/ Daniel Treger
Jeffrey Phillips, BBO# 398480
Daniel Treger, BBO# 562147
Phillips & Angley
One Bowdoin Street
Boston, MA 02114
(617) 367-8787

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on this day, April 10, 2006.

/s/Daniel Treger